

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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2016

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THE SOUNDKILLERS LLC,

Plaintiff,

-v-

YOUNG MONEY ENTERTAINMENT, LLC
and CASH MONEY RECORDS, INC.,

Defendants.
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14-cv-7980 (KBF)

ORDER

KATHERINE B. FORREST, District Judge:

On August 2, 2016, Magistrate Judge Debra Freeman issued a Report and Recommendation in the above-captioned matter recommending that the Court “make explicit its apparent prior finding of contempt, and [] increase the contempt sanctions previously imposed against Defendants, in order to secure Defendants’ compliance with the Orders of the Court.” (ECF No. 105 at 2.) Defendants have failed to file any objections to the Report and Recommendation after receiving notice that they were required to file any objections and that a failure to do so would result in a waiver of their right to further review. For that reason alone, Defendants have waived any right to review before this Court. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Zaretsky v. Maxi-Aids, Inc., 529 F. App’x 97, 98 (2d Cir. 2013) (summary order); Small v. Sec’y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

“When no objections are filed to a Report and Recommendation, a district court need only satisfy itself that there is no ‘clear error on the face of the record’ in order to accept the recommendation.” Austin v. Lynch, No. 10-CV-7534 JPO GWG, 2011 WL 6399622, at *1 (S.D.N.Y. Dec. 20, 2011) (quoting Fed. R. Civ. P. 72(b) advisory committee’s note); see also Pacheco v. Gonyea, No. 14-CV-2286 (JPO), 2016 WL 3002425 (S.D.N.Y. May 23, 2016). This Court has reviewed the Report and Magistrate Judge Freeman’s well-reasoned Report presents no such errors. In addition, the Second Circuit has held that failure to timely object to a magistrate judge’s report and recommendation operates as a waiver of appellate review of the district court’s order adopting a magistrate judge’s report and recommendation. See DeLeon v. Strack, 234 F.3d 84, 86 (2d Cir. 2000) (citing Small v. Sec’y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir.1989)).

Accordingly, the Court hereby adopts the Report and Recommendation, and, for the reasons stated therein, finds defendants in contempt and GRANTS plaintiff’s motion for additional sanctions (ECF No. 97). The Clerk of Court is directed to terminate the motions at ECF Nos. 88, 97, 104.

SO ORDERED.

Dated: New York, New York
September 15, 2016



KATHERINE B. FORREST
United States District Judge